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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/598,358

08/24/2006

Eun-Ho Kim

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52706

7590

12/22/2008

IPLA P.A.

3580 WILSHIRE BLVD.

17TH FLOOR

LOS ANGELES, CA 90010

EXAMINER

ELOSHWAY, NIKI MARINA

ART UNIT

PAPER NUMBER

3781

MAIL DATE

DELIVERY MODE

12/22/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/598,358	Applicant(s) KIM, EUN-HO	
	Examiner NIKI M. ELOSHWAY	Art Unit 3781	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/24/06</u> . | 6) <input type="checkbox"/> Other: ____. |

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DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, 5, 7, 9, 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Sandvick (U.S. 4,763,380). Sandvick teaches a hygiene cap 10 detachably provided for a can having a lid formed with an outlet and an opener for opening the outlet (see col. 4 lines 27-54). The hygiene cap comprises a cap body interposed between the radially outer surface (or perimeter) of the lid and the opener and rotates about the lid. The cleaner 16 is attached under the cap body and cleans the outer surface of the lid as the cap body rotates.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 2 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas (U.S. 2005/0211708) in view of Sandvick(U.S. 4,763,380). Thomas teaches a hygiene cap 1A detachably provided for a can having a lid formed with an outlet 1E and an opener 1B for opening the outlet. The

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hygiene cap comprises a cap body interposed between the lid and the opener and rotates about the lid (see figures 1 and 2).

Thomas does not teach the cleaner. Sandvick teaches that it is known to provide a hygiene cap with a cleaner (see element 16). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the hygiene cap of Thomas with the cleaner of Sandvick, in order to clean the top of the lid.

6. Claims 4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sandvick (U.S. 4,763,380) in view of Perra (U.S. 2004/0060935). Sandvick discloses the claimed invention except for the grip. Perra teaches that it is known to provide a closure with a grip (see element 16). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the cap of Sandvick with the grip of Perra, in order to allow the user to grasp and rotate the lid more firmly.

7. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sandvick (U.S. 4,763,380) in view of Song (U.S. 2001/0040163). Sandvick discloses the claimed invention except for the advertisement. Song teaches that it is known to provide a closure with advertising material. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the cap of Sandvick with advertising material, as taught by Song, in order to advertise the contents.

8. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sandvick (U.S. 4,763,380) in view of Moga (U.S. 2003/0081980). Sandvick discloses the claimed invention except for the antibacterial agent. Moga teaches that it is known to provide a cleaner with an antibacterial agent. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the cap of Sandvick with the cleaners having an antibacterial agent, as taught by Moga, in order to better cleanse the can surface.

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Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The prior art is cited for the cleaning apparatus.

10. THIS ACTION IS NON-FINAL.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to NIKI M. ELOSHWAY whose telephone number is (571)272-4538. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Stashick can be reached on 571-272-4561. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Niki M. Eloshway/
Niki M. Eloshway
Examiner
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nme